

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SIGNATURE BANK,

Plaintiff

against-

AHAVA FOOD CORP, et. al.

Defendants,

STATE OF NEW YORK

)

) ss:

COUNTY OF NASSAU

)

**Electronically Filed**

08 Civ 3893

(NRB)(MHD)

ECF Case

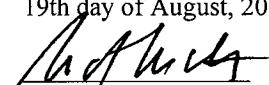
**AFFIDAVIT OF SERVICE**

**Edward Soltan, being duly sworn deposes and says:**

1. I am not a party to this action, I am over 18 years of age and I reside in Williston Park, NY.
2. That I received **Notice of Motion to Compel and for Sanctions, Declaration of John Oleske and Memorandum of Law in Support of Plaintiff's Motion to Compel and for Sanctions** to be served upon **Yehuda Banayan** located at 1953 53<sup>rd</sup> St., Brooklyn, New York 11204
3. That on **August 18<sup>th</sup>, 2008** at 1:50 PM I personally served Yehuda Banayan by delivering and leaving a true copy of the **Notice of Motion to Compel and for Sanctions, Declaration of John Oleske and Memorandum of Law in Support of Plaintiff's Motion to Compel and for Sanctions** with "John Doe," who identified himself as "Father of Miriam," who accepted for Yehuda Banayan at the above location, said premises being Yehuda Banayan's usual place of dwelling.
4. Deponent further deposited on August 18th, 2008 a true and correct copy of the **Notice of Motion to Compel and for Sanctions, John Oleske Declaration and MOL in Support of Plaintiff's Motion** enclosed in a separate, sealed, properly addressed, fully postpaid, First Class Mail wrapper in an official depository under the exclusive care and custody of the U.S.P.S. within the State of New York addressed to: **Yehuda Banayan 1953 53<sup>rd</sup> St. Brooklyn, New York 11204**. Envelope bore the legend "Personal and Confidential" and did not indicate on the outside of thereof, by return address or otherwise, that the communication was from an attorney or concerned legal action against the defendant.
5. **Military Status:** Based upon my inquiry of the party served, the within named person is not in the military service of the United States of America.

**Description of "John Doe":** Approx. Age: 62, Sex: M, Race/Skin Color: Caucasian, Approx. Height: 5'10", Approx. Weight: 160, Hair: Gray, Glasses: Y

Sworn to before me this  
19th day of August, 2008

  
Notary Public

TINA A. McCARTHY  
Notary Public, State of New York  
No. 01MO6115830  
Qualified in Bronx County  
Commission Expires 09/13/2008  
2012

  
Edward Soltan-CPS 1106540